

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 1–10 are in the present application. It is submitted that these claims were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Claims 1–5 and 11–19 were rejected under 35 U.S.C. § 102(e) as being anticipated by Bradshaw et. al. (U.S. Patent 6,101,157). Regarding the Examiner's response to applicant's previous arguments (Office Action page 8), Applicant has amended independent claims 1 and 6 to include the focus and tracking error equations, respectively, which illustrate the balance-adjustment feature of the present invention. Accordingly, Applicant believes the claims now sufficiently recite the distinguishing balance-adjustment feature of the present invention to support the previous arguments. Namely, that the present invention "generat[es] a focus error signal subjected to balance-adjustment based on the reflection light and a variable coefficient Kf; wherein said focus error signal (FE) is generated by the equation,  $FE = (A+C)-Kf*(B+D)$ ."

(Claim 1) This balance adjustment is shown in Figure 4 and supported on page 14 of the specification. By contrast, Bradshaw applies the same gain, GCc, to both amplifiers 36 and 37,

which are then combined in amplifier 39 to produce an output according to the equation  $FE=GCc*(a+d)-GCc*(b+c)$ . (Figure 2; Column5, Line 59 to Column 6, Line 3) Since each term is multiplied by the same gain, Bradshaw cannot balance-adjust the terms relative to each other as taught in the present invention. Therefore, for at least this reason, Bradshaw fails to anticipate the present invention and the rejected claims should be allowed.

Claims 6 and 8-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bradshaw in view of Takeya et. al. (U.S. Patent 6,240,054). Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bradshaw in view of Takeya, and further in view of Tanaka et. al. (U.S. Patent 6,522,606). Takeya and Tanaka are relied on solely to meet various tracking error (as opposed to focus error) related limitations not disclosed in Bradshaw. The present invention “generat[es] a tracking error signal subjected to balance-adjustment based on the reflection light and a variable coefficient  $K_t$ ; wherein said tracking error signal (TE) is generated by the equation,  $TE = E - K_t * F$ .” (Claim 6) However, like Bradshaw, Takeya and Tanaka do not teach “balance-adjustment” as recited in the present invention. More specifically, although Takeya does discuss adjusting the tracking balance, this adjustment is actually just an offset to zero the tracking center level. (Column 22, Lines 12-17, 30-32) Applicant believes Takeya’s tacking balance is more appropriately compared to the present invention’s “measuring a tracking error center value” limitation. Hence, Takeya fails to disclose a balance adjusted tracking error signal (TE) generated by the equation,  $TE = E - K_t * F$ , as recited in the claims. Therefore, for at least this reason, the combination of Bradshaw, Takeya and Tanaka fails to obviate the present invention.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,  
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